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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE FORMAL COMPLAINT
OF ROGER AND DARLENE CHANTEL,

DOCKET NO. E-01750A-09-0149

COMPLAINANTS,

v.

MOHAVE ELECTRIC COOPERATIVE, INC.,

RESPONDENT.

PROCEDURAL ORDER
(Sets Procedural Conference)

BY THE COMMISSION:

On March 24, 2009, Roger and Darlene Chantel ("Chantels" or "Complainants") filed a formal complaint ("Complaint") with the Arizona Corporation Commission ("Commission") against Mohave Electric Cooperative, Inc. ("MEC" or "Company"). MEC filed its Response to Formal Complaint and Motion to Dismiss on April 10, 2009.

A Procedural Order docketed on July 28, 2009, denied MEC's Motion to Dismiss.

On July 12, 2013, MEC filed a Motion to Reconsider Motion to Dismiss Formal Complaint ("Motion to Reconsider").

On August 14, 2013, the Chantels docketed three separate pleadings: 1) Complainants' Response to Procedural Order Issued by Administrative Law Judge Belinda A. Martin, 2) Complainants' Response to Mohave Electric Cooperative's Motion to Reconsider Motion to Dismiss Formal Complaint, and 3) Motion to Transfer Issues in Complaint to the Citizens' Jurisdiction ("Motion to Transfer").

On August 26, 2013, MEC filed its Objection Complainants' Response to Procedural Order, Reply to Complainants' Response to Motion to Reconsider Motion to Dismiss Formal Complaint, and Response to Complainants' "Motion to Transfer Issues in Complaint to the Citizens' Jurisdiction."

1 On September 4, 2013, the Chantels docketed a Motion to Enforce Arizona Administrative
2 Codes R14-2-211(A)(5)(6), R14-2-202(B)(1)(2), R14-2-208(A)(1) and (F)(1), and provided a
3 proposed form of Judicial Order ("Motion to Enforce").

4 On September 9, 2013, a Procedural Order was docketed setting a procedural conference for
5 September 25, 2013, for the purpose of taking oral arguments on MEC's Motion to Dismiss and
6 Motion to Reconsider and the Chantels' Motion to Transfer and the Motion to Enforce. The
7 Procedural Order also directed MEC to file a response to the Chantels' Motion to Enforce by
8 September 23, 2013.

9 On September 16, 2013, the Chantels filed a Motion to Postpone Most of the Issues at the
10 Hearing on September 25, 2013 ("Motion to Postpone"), and a Motion to Hear Issues on the
11 Emergency Notice of Action Submitted to Steven Olea of the Arizona Corporation Commission
12 ("Motion to Hear Issues"). In their Motion to Postpone, the Complainants assert that the parties plan
13 to conduct an inspection of MEC's lines along Highway 66 and request that most of the issues to be
14 heard at the September 25, 2013, proceeding be postponed pending results of the inspection. Instead,
15 in their Motion to Hear Issues, the Chantels request that the Emergency Notice of Action¹ be heard
16 on that day.

17 On September 23, 2013, MEC submitted its Response to Complainants' Motions 1) to
18 Enforce, 2) to Postpone and 3) to Hear Issues. The Company objected to postponement of the
19 September 25, 2013, procedural conference and requesting that the oral arguments continue as
20 scheduled.

21 A Procedural Order was issued September 23, 2013, stating that in the interest of
22 administrative efficiency, it was reasonable to vacate the September 25, 2013, procedural conference.

23 On September 30, 2013, the Chantels filed a letter replying to MEC's Response.

24 MEC filed a Motion for Procedural Conference on October 8, 2013, requesting that a
25 procedural conference for the purpose of hearing oral arguments on all motions be rescheduled.

26 The Chantels docketed a Request to Decline Motion for Oral Argument in a Procedural

27
28 ¹ The Chantels included their "Emergency Notice of Action" as an attachment to their Response to Mohave Electric Cooperative's Motion to Reconsider Motion to Dismiss Formal Complaint.

1 Conference and that the Administrative Law Judge Move Forward in Issuing of the Enforcement
2 Order. The Chantels stated that no new evidence or testimony can be presented that will add to that
3 already submitted by the parties; therefore, MEC's Motion should be denied.

4 In order to address certain procedural issues that have arisen, it is necessary to schedule a
5 procedural conference for the purpose of addressing these issues prior to taking oral arguments on
6 any outstanding motions.

7 IT IS THEREFORE ORDERED that a **telephonic procedural conference shall commence**
8 **on November 19, 2013, at 10:00 a.m., call-in number: (888) 450-5996, Participant No. 457395#.**
9 The parties may also attend in person at the Commission's Tucson offices, Room 222, 400 West
10 Congress Street, Tucson, Arizona 85701.

11 IT IS FURTHER ORDERED that the **purpose of the telephonic procedural conference**
12 **shall be to discuss procedural matters only. There will be no discussion of substantive issues**
13 **during this procedural conference.**

14 IT IS FURTHER ORDERED that the **Commission's Utilities Division ("Staff") shall**
15 **attend the telephonic procedural conference in the event that Staff's input is needed on certain**
16 **procedural questions.**

17 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
18 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*
19 *hac vice*.

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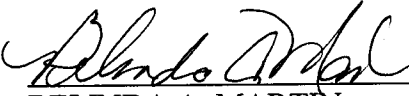
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IT IS FURTHER ORDERED that that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 29th day of October, 2013.


BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed
this 29th day of October, 2013, to:

Roger and Darlene Chantel
10001 East Highway 66
Kingman, AZ 86401

Michael A. Curtis, Esq.
Larry K. Udall, Esq.
CURTIS, GOODWIN, SULLIVAN
& SCHWAB, P.L.C.
501 East Thomas Road
Phoenix, AZ 85012

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 N. Central Avenue, Suite 502
Phoenix, Arizona 85004-1481

By:


Belinda A. Martin